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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

NORTHWEST ENVIRONMENTAL  
ADVOCATES, a non-profit corporation,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, NATIONAL MARINE  
FISHERIES SERVICE, and UNITED STATES  
FISH AND WILDLIFE SERVICE,

Defendants.

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Civ. No. 05-1876-HA

UNITED STATES' NOTICE  
OF FILING EPA'S  
CERTIFIED INDEX OF ITS  
ADMINISTRATIVE  
RECORD

Notice is hereby provided to the Court and the parties that the United States is hereby filing EPA's certified index to the administrative record. The Certified Index To EPA's Administrative Record is attached to this Notice of Filing as Attachment A. In order to lessen the burden on the Court of managing the large administrative record, the administrative record documents themselves will not be filed with the Court. Instead, the United States intends to file all administrative record documents cited by the parties in their summary judgment briefs as excerpts of record at the conclusion of the briefing schedule. Conversely, if the Court prefers to receive documents cited in the briefs prior to the conclusion of the briefing, the United States will work with the other parties to facilitate prompt delivery of those documents on the schedule desired by the Court.

Copies of EPA's administrative record documents are being mailed today to counsel for the parties identified in the Certificate of Service.

Respectfully submitted,

SUE ELLEN WOOLDRIDGE  
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Environment & Natural Resources Division

/s/ Michael J. Zevenbergen  
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Attorneys for United States of America

Dated: June 7, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2006, I caused a true copy of the UNITED STATES' NOTICE OF FILING EPA'S CERTIFIED INDEX OF ITS ADMINISTRATIVE RECORD to be served on each of the following named persons at his or her last known addresses in the manner indicated below:

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/s/ Michael J. Zevenbergen  
MICHAEL J. ZEVENBERGEN

**ATTACHMENT A**

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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

NORTHWEST ENVIRONMENTAL  
ADVOCATES, a non-profit corporation,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, NATIONAL MARINE  
FISHERIES SERVICE, and UNITED STATES  
FISH AND WILDLIFE SERVICE,

Defendants.

Civ. No. 05-1876-HA

CERTIFIED INDEX TO  
EPA'S ADMINISTRATIVE  
RECORD

The United States Environmental Protection Agency ("EPA") certifies that the materials listed in the attached index constitute the administrative record for EPA's action on March 2, 2004 to approve revisions to Oregon's water quality standards.

In witness whereof, I have signed this statement on this 5<sup>th</sup> day of June 2006, at Seattle, Washington.

A handwritten signature in black ink, appearing to read "M. Gearheard", is written over a horizontal line.

Michael Gearheard  
Director  
Office of Water  
U.S. Environmental Protection Agency  
Region 10  
Seattle, Washington

**EPA REVIEW AND APPROVAL OF  
2003 REVISIONS TO OREGON'S WATER QUALITY STANDARDS  
ADMINISTRATIVE RECORD**

DOC. NO.	DATE	DOCUMENT
<b>I. EPA's Approval of Oregon's Revised Uses and Standards Submitted December 2003</b>		
<b>I.A. Approval Action of Oregon's Revised Uses and Standards Submitted December 2003</b>		
1	3/2/04	Letter to Stephanie Hallock, Director, ODEQ, from John Iani, EPA RA, re: Approval of Oregon State Water Quality Standards (OAR 340-041) for Temperature, Inter-Gravel Dissolved Oxygen and Antidegradation  Att. 1: Support Document for EPA's Action Reviewing New or Revised Water Quality Standards for the State of Oregon, March 2, 2004
2	3/2/04	Memorandum to Randy Smith and John Iani, EPA, from Dru Keenan and John Palmer, EPA, re: Recommendation to Approve Oregon's Revised Standards for Temperature, Intergravel Dissolved Oxygen, Natural Background, Anti-degradation Implementation Methods and Beneficial Use Designations for Salmonids  Att. 1: (refer to document 1, attachment 1)
<b>I.B. Oregon's Revised Uses and Standards Submitted December 2003</b>		
3	2/24/04	Letter to Randy Smith, EPA, from Larry Knudsen, Assistant State Attorney General, Natural Resources Section, re: Attorney General Certification of Oregon Water Quality Standards Revisions Adopted December 4, 2003  Att. 1: Oregon Environmental Quality Commission Minutes of the Three Hundredth and Fifteenth Meeting, December 4-5, 2003, Regular Meeting  Att. 2: Secretary of State Certificate and Order for Filing, Permanent Administrative Rules  Att. 3: Administrative Rules
4	2/4/04	Letter to Randy Smith, EPA, from Michael T. Llewelyn, ODEQ, re: Oregon Responses to EPA, Questions re: State's Water Quality Temperature Standards
5	12/19/03	Letter to Randy Smith, EPA, from Michael T. Llewelyn, ODEQ, re: Oregon Responses to EPA Questions re: State's Water Quality Temperature Standards



DOC. NO.	DATE	DOCUMENT
6	12/10/03	<p>Letter to John Iani, EPA, from Stephanie Hallock, ODEQ, re: Oregon Submission of Revisions to the State Water Quality Standards (OAR 340-041) for EPA Review and Approval</p> <p>Att. 1: ODEQ Water Pollution Division 41 Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon</p> <p>Att. 2: OAR Chapter 340 Division 41 Tables &amp; Figures:</p> <p>Appendix I</p> <p>Table 20: Water Quality Criteria Summary</p> <p>Table 21: Dissolved Oxygen and Intergravel Dissolved Oxygen Criteria</p> <p>Table 101A: Designated Beneficial Uses Mainstem Columbia River (340-41-0101)</p> <p>Table 101B: Beneficial Uses Mainstem Columbia River</p> <p>Table 121A: Designated Beneficial Uses Mainstem Snake River (340-41-0120)</p> <p>Table 121B: Beneficial Use Designations—Fish Uses Mainstem Snake River</p> <p>Table 130A: Designated Beneficial Uses Deschutes Basin (340-41-0130)</p> <p>Table 140A: Designated Beneficial Uses Goose and Summer Lakes Basin (340-41-0140)</p> <p>Table 140B: Beneficial Use Designations—Fish Uses Goose and Summer Lakes Basin, Oregon</p> <p>Table 151A: Designated Beneficial Uses Grande Ronde Basin (340-41-0151)</p> <p>Table 160A: Designated Beneficial Uses Hood Basin (340-41-0160)</p> <p>Table 170A: Designated Beneficial Use John Day Basin (340-41-0170)</p> <p>Table 180A: Designated Beneficial Uses Klamath Basin (340-41-0180)</p> <p>Table 190A: Designated Beneficial Uses Malheur Lake Basin (340-41-0190)</p> <p>Table 190B: Beneficial Use Designations—Fish Uses Malheur Lake Basin, Oregon</p> <p>Table 201A: Designated Beneficial Uses Malheur River Basin (340-41-0201)</p> <p>Table 220A: Designated Beneficial Uses Mid Coast Basin (340-41-0220)</p> <p>Table 230A: Designated Beneficial Uses North Coast Basin (340-41-0230)</p> <p>Table 250A: Designated Beneficial Uses Owyhee Basin (340-41-0250)</p> <p>Table 250B: Beneficial Use Designations—Fish Uses Owyhee Basin, Oregon</p> <p>Table 260A: Designated Beneficial Uses Powder/Burnt Basin (340-41-0260)</p> <p>Table 271A: Designated Beneficial Uses Rogue Basin (340-41-0271)</p> <p>Table 286A: Designated Beneficial Uses Sandy Basin (340-41-0286)</p> <p>Table 300A: Designated Beneficial Uses South Coast Basin (340-41-0300)</p> <p>Table 310A: Designated Beneficial Uses Umatilla Basin (340-41-0310)</p> <p>Table 320A: Designated Beneficial Uses Umpqua Basin (340-41-0320)</p> <p>Table 330A: Designated Beneficial Uses Walla Walla Basin (340-41-0330)</p> <p>Table 340A: Designated Beneficial Uses Willamette Basin</p> <p>Att. 3: Maps:</p> <p>Figure 130A: Fish Use Designations, Deschutes Basin, Oregon</p> <p>Figure 130B: Salmon and Steelhead Spawning Use Designations, Deschutes Basin, Oregon</p> <p>Figure 151A: Fish Use Designations, Grande Ronde Basin, Oregon</p> <p>Figure 151B: Salmon and Steelhead Spawning Use Designations, Grand Ronde Basin, Oregon</p> <p>Figure 160A: Fish Use Designations, Hood Basin, Oregon</p>

DOC. NO.	DATE	DOCUMENT
Con't.		<p>Figure 160B: Salmon and Steelhead Spawning Use Designations, Hood Basin, Oregon</p> <p>Figure 170A: Fish Use Designations, John Day Basin, Oregon</p> <p>Figure 170B: Salmon and Steelhead Spawning Use Designations, John Day Basin, Oregon</p> <p>Figure 180A: Fish Use Designations, Klamath Basin, Oregon</p> <p>Figure 201A: Fish Use Designations, Malheur River Basin, Oregon</p> <p>Figure 220A: Fish Use Designations, Mid Coast Basin, Oregon</p> <p>Figure 220B: Salmon and Steelhead Spawning Use Designations, Mid Coast Basin, Oregon</p> <p>Figure 230A: Fish Use Designations, North Coast Basin, Oregon</p> <p>Figure 230B: Salmon and Steelhead Use Designations, North Coast Basin, Oregon</p> <p>Figure 260A: Fish Use Designations, Powder Basin, Oregon</p> <p>Figure 271A: Fish Use Designations, Rogue Basin, Oregon</p> <p>Figure 271B: Salmon and Steelhead Spawning Use Designations, Rogue Basin, Oregon</p> <p>Figure 286A: Fish Use Designations, Sandy Basin, Oregon</p> <p>Figure 286B: Salmon and Steelhead Spawning Use Designations, Sandy Basin, Oregon</p> <p>Figure 300A: Fish Use Designations, South Coast Basin, Oregon</p> <p>Figure 300B: Salmon and Steelhead Spawning Use Designations, South Coast Basin, Oregon</p> <p>Figure 310A: Fish Use Designations, Umatilla Basin, Oregon</p> <p>Figure 310B: Salmon and Steelhead Spawning Use Designations, Umatilla Basin, Oregon</p> <p>Figure 320A: Fish Use Designations, Umpqua Basin, Oregon</p> <p>Figure 320B: Salmon and Steelhead Spawning Use Designations, Umpqua Basin, Oregon</p> <p>Figure 340A: Fish Use Designations, Willamette Basin, Oregon</p> <p>Figure 340B: Salmon and Steelhead Spawning Use Designations, Willamette Basin, Oregon</p>
7	12/10/03	Letter to John Iani, EPA, from Larry Knudsen, Oregon Department of Justice, re: Certification of Water Quality Standard Amendment
8	12/9/03	Secretary of State, Certificate and Order for Filing, Permanent Administrative Rules
9	11/25/03	Memorandum to Environmental Quality Commission, from Stephanie Hallock, re: Additional Materials for Agenda Item D: Water Quality Standards, including Temperature Criteria

DOC. NO.	DATE	DOCUMENT
10	11/13/03	<p>Memorandum to Environmental Quality Commission from Stephanie Hallock, Director, re: Agenda D, Rule Adoption: Water Quality Standards, including Temperature Criteria, OAR Chapter 340, Div. 41, 12/4/03</p> <p>Att. A1: DEQ Water Pollution Division 41 Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon</p> <p>Att. A2: DEQ Water Pollution Division 41 State-wide Water Quality Plan; Beneficial Uses, Policies, Standards, and Treatment Criteria for Oregon</p> <p>Att. B: Division 41 Revisions, Response to Public Comments (November 10, 2003)</p> <p>Att. C1: Summary of DEQ's Water Quality Standards, Policy Advisory Committee Discussions on the Temperature Standard</p> <p>Att. C2: Summary of the Discussion and Findings of DEQ's Technical Advisory Committee on Water Quality Criteria for Temperature</p> <p>Att. D: Memorandum to Michael Llewelyn, Water Quality Administrator, from Mark Charles, Presiding Officer, re: Presiding Officer's Report for Public Hearing, Title of Proposal: Rulemaking Proposal–Adoption of OAR 340-041 State Water Quality Standards, Including Temperature Criteria, October 16, 2003</p> <p>Att. E: Relationship to Federal Requirements</p> <p>Att. F: DEQ Chapter 340, Proposed Rulemaking, Statement of Need and Fiscal and Economic Impact</p> <p>Att. G: State of ODEQ Rulemaking Proposal for Water Quality Standards–Temperature and Intergravel Dissolved Oxygen</p> <p>Att. H: Description of the Information and Methods Used to Delineate the Proposed Beneficial Fish Use Designations for Oregon's Water Quality Standards</p>
<b>I.C. Correspondence on Oregon's Revised Standards &amp; Public Process</b>		
11	3/2/04	Letter to Nina Bell, Executive Director, Northwest Environmental Advocates, re: Revised Oregon Water Quality Standards
12	3/1/04	Detailed Information on Public Process Activities for: April 2003 EPA Regional Temperature Guidance, EPA Proposed Federal Water Quality Standards for Oregon, 2003 Oregon Water Quality Standards Rulemaking
13	2/24/04	<p>Letter to Randy Smith, Director, Office of Water, R10, from Olney Patt, Jr., Columbia River Inter-Tribal Fish Commission, re: Concern over the Review Process of Oregon's Water Quality Standards</p> <p>Att. A: Technical Comments and Concerns</p>

DOC. NO.	DATE	DOCUMENT
14	2/10/04	Electronic letter to Randy Smith, Director, Office of Water, R10, and Michael Crouse, Assistant Regional Administrator, Habitat Conservation Division, National Marine Fisheries Service, from Melissa Powers, Stephanie Parent, Pacific Environmental Advocacy Center
15	12/18/03	Letter to Mr. James L. Connaughton, Chair, Council on Environmental Quality, from John Ledger, Associated Oregon Industry
16	10/3/03	Letter to Ms. Smith, ODEQ, from Nina Bell, Northwest Environmental Advocates, re: Proposed Revision of Division 41 Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon
17	10/3/03	Letter to Emily Smith, ODEQ, from Michael J. Farrow, Director, Confederated Tribe of the Umatilla Indian Reservation
18	10/3/03	Letter to Michael Llewelyn, ODEQ, from Olney Patt, Jr., Columbia River Inter-Tribal Fish Commission, re: Comments on the Revision of Water Quality Criteria for Temperature (OAR Chapter 340, Division 041)  Att. 1: Appendix A: Rule Amendments Made without Notice of Intended Action Att. 2: Appendix B: Technical Comments Att. 3: Appendix C: Proposal for Rectifying Some Problems with the ODEQ Standard Att. 4: Appendix D: Quotations from EPA Regional Guidance
19	10/3/03	Letter to Michael T. Llewelyn, ODEQ, from Randy Smith, EPA, re: Comments on Oregon's Proposed Revisions to OAR Division 41, Water Quality Standards: Beneficial Uses, Policies and Criteria for Oregon
20	10/2/03	Letter to Ms. Emily Smith, ODEQ, from Kemper M. McMaster, USFWS, Portland, OR
21	10/2/03	Letter to Mike Llewelyn, ODEQ, from Michael Tehan, Oregon State Director, Habitat Conservation Division, NOAA
22	8/7/03	Memorandum to Mark Charles and Mike Llewelyn, from Nina Bell, re: Temperature Standards
23	8/1/03	Pacific Coast Federation of Fishermen's Associations (PCFFA) and Institute for Fisheries Resources (IFR) Comments to Draft #5 (July 28, 2003), ODEQ Water Pollution Division 41, Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon, Prepared by PCFFA and IFR for Oregon ODEQ Staff.
24	7/16/03	Electronic letter to Mike Llewelyn, Administrator, Water Quality Division, ODEQ, from Nina Bell, Northwest Environmental Advocates, re: 1999-2002 Triennial Review of Water Quality Standards: Re-write of Division 41 Rules, Temperature and Turbidity standards
<b>I.D. Public Comments on EPA's Proposed Rule</b>		
25	11/10/03	Email to Valerie Badon, EPA, from Gary Asbridge, Mt. Hood National Forest, re: Specific Comments on Draft Oregon Water Temperature Rule

DOC. NO.	DATE	DOCUMENT
26	11/10/03	Electronic letter to Valerie Badon, EPA, from Jeff J. Barry, Boise Cascade Corp., re: Boise Cascade Comments Regarding Proposed Change to Oregon Water Quality Standards  Att. 1: Electronic letter to John Palmer, EPA, from William A. Dryden, Boise Cascade Corp, re: Review of Draft EPA Region 10 Guidance for Pacific Northwest State and Tribal Temperature Water Quality Standards (Second Public Review Draft Oct. 10, 2002)
27	11/10/03	Electronic letter to Michael Leavitt, Administrator, U.S. EPA, from Nina Bell on behalf of 74 organizations nationwide re: EPA Promulgation of Oregon Water Quality Standards
28	11/10/03	Electronic letter to Valerie Badon, EPA, from Nina Bell, Executive Director, Northwest Environmental Advocates, re: Proposed Part 131 - Oregon Water Quality Standards, 40 CFR 131.39, 68 Fed. Reg. 58758 (Oct. 10, 2003)
29	11/10/03	Letter to Valerie Badon, EPA, from Rick Eichstaedt, Staff Attorney, Nez Perce Tribal Executive Committee, re: Docket No. OW-2003-0068
30	11/10/03	Letter to Valerie Badon, EPA, from Katie Fast, Associate Director of Government Affairs, Oregon Farm Bureau Federation, re: Water Quality Standards for Oregon
31	11/10/03	Electronic letter to Valerie Badon, EPA, from Janet Gillaspie, Executive Director, Oregon Association of Clean Water Agencies, re: Comments on Draft Water Quality Standards for Oregon 40 CFR Part 131
32	11/10/03	Letter to Valerie Badon, EPA, from Allen C. Shewy, Kennedy/Jenks Consultants on behalf of the City of Hermiston, re: Comments on Draft Water Quality Standards for Oregon 40 CFR Part 131 Docket ID No. OW-2003-0068
33	11/10/03	Electronic letter to Valerie Badon, EPA, from Gayle Killam, re: EPA's Draft Rules for Oregon, 40 CFR 131.39
34	11/10/03	Electronic letter to Valerie Badon, EPA, from Jeff Light, Plum Creek Timber Company, re: Review of EPA's Water Quality Standards for Oregon  Att. 1: Letter to Emily Smith, ODEQ, from Jeff Light, Plum Creek Timber Company, re: Plum Creek's Comments on ODEQ's Proposed Changes to Oregon's Water Quality Standard (10/3/03)
35	11/10/03	Letter to Valerie Badon, EPA, from Robert Ramig, Mayor, City of Pendleton, re: Comments on Draft Water Quality Standards for Oregon 40 CFR Part 131, Docket No. OW-2003-0068
36	11/10/03	Letter to Valerie Badon, EPA, from John P. Sample, Senior Counsel, Hydro Licensing, re: Comments on the Proposed Water Quality Standards for Oregon  Att. 1: Memo re: Waiver Request for North Fork Diversion Dam, Prospect 1, 2, and 4, and Hydroelectric Project-Net Benefit Analysis  Att. 2: North Umpqua Hydroelectric Project Evaluation Report and Finding

DOC. NO.	DATE	DOCUMENT
37	11/10/03	Email to Valerie Badon, EPA, from David Bailey for Thompson Creek Mining Company, re: Comments of Thompson Creek Mining Company to the Proposed Water Quality Standards (Temperature) for Oregon for the Protection of Salmonids
38	11/10/03	Letter to Valerie Badon, EPA, from William C. Tiffany, Senior Staff Associate, League of Oregon Cities, re: Comments Regarding Agency's Draft Water Quality Standards for Oregon 40 CFR Part 131
39	11/10/03	Letter to Valerie Badon, EPA, from Richard Wallace, Manager, Water Quality Program, re: WDOE Comments on Draft Water Quality Standards for Oregon
40	11/7/03	Letter to Valerie Badon, EPA, from J. William McDonald, Regional Director, U.S. Dept. of Interior, re: Comments on Proposed Rule, Water Quality Standards for Oregon
41	11/7/03	Letter to Valerie Badon, EPA, from Karen M. Skiles, City of the Dalles, Dept. of Public Works, re: Draft Water Quality Standards for Oregon 40 CFR Part 131
42	11/7/03	Letter to John Iani, EPA, from Olney Patt, Jr. Columbia River Inter-Tribal Fish Commission, re: Comments on EPA's Proposed Rule for Water Quality Standards in the State of Oregon (EPA Oregon Rule)  Att. A: Comments on the Revision of Water Quality Criteria for Temperature (10/3/03) Att. B: Staff Technical Comments
43	11/7/03	Email to Valerie Badon, EPA, from Ivars Steinblums, Mt. Hood National Forest, re: Specific Comments on Draft EPA Water Temperature Rule
44	11/7/03	Electronic letter to Valerie Badon, EPA, from Rosemary Menard, Director, Portland Water Bureau, re: Proposed Rule on Water Quality Standards for Oregon, 40 CFR Part 131
45	11/7/03	Letter to Valerie Badon, EPA, from Frank Tiwari, City of Woodburn, OR, re: City of Woodburn's Comments on Draft Water Quality Standards for Oregon  Att. 1: Pudding River Water Quality Report, TMDL Program, Aug. 1993
46	11/6/03	Letter to Valerie Badon, EPA, from Keith Hanson, Vice Chair, Water Quality Committee, Utility Water Act Group, re: Comments of the Utility Water Act Group on Proposed Federal Water Quality Standards for Oregon 68 Fed. Reg. 58,757 (October 10, 2003)
47	11/5/03	Electronic letter to Valerie Badon, EPA, from Pat Larson, Science and Natural Resource Advisor, and Susan Hammond, Water Committee Chair, Oregon Cattlemen's Association, re: Oregon Cattlemen's Association Comments re: Water Quality Standards for Oregon
48	11/5/03	Letter to Valerie Badon, EPA, from Llewellyn Matthews, Executive Director, Northwest Pulp and Paper Association, re: Comments Regarding EPA 10 Proposed Water Quality Rules for the State of Oregon  Att. 1: Northwest Pulp and Paper Association Comments on EPA 10 Proposed Water Quality Standards for the State of Oregon, Amending Federal Regulations to Add 40 CFR 131.39

DOC. NO.	DATE	DOCUMENT
49	11/5/03	Letter to Valerie Badon, EPA, from Michael J. McCann, Eugene Water and Electric Board, re: Comments on Proposed 40 CFR Part 131, Establishing Water Quality Standards for Oregon
50	11/5/03	<p>Letter to Valerie Badon, EPA, from Paul Wiegand, Regional Manager, National Council for Air and Stream Improvement, Inc. (NCASI), re: Comments on Proposed Water Quality Standards for Oregon</p> <p>Att. 1: Assessment of the Potential for Warm Effluent from Pulp and Paper Mills to Harm Temperature Sensitive Salmonids, Prepared by Paul Wiegand and Brad Upton (2/21/02)</p> <p>Att. 2: Effect of Thermal Shock on Vulnerability of Juvenile Salmonids to Predation, Prepared by Charles C. Coutant</p> <p>Att. 3: Memo to Lleyllen Matthew (NWPPA), Cathy Feole (NWPPA), and Paul Wiegand (NCASI)</p> <p>Att. 4: Electronic Tags and Related Tracking Techniques Aid in Study of Migrating Salmon and Steelhead Trout in the Columbia River Basin, by Gerald E. Monan, James H. Johnson, and Gordon F. Esterberg</p> <p>Att. 5: Evaluating Laboratory-Derived Thermal Criteria in the Field: An Example Involving Bonneville Cutthroat Trout, by Amy J. Schrank, Frank J. Rahel, and Helene C. Johnstone</p> <p>Att. 6: Letter to John Palmer, EPA, from Llewellyn Matthews, Executive Director (unsigned), re: Comments on the Draft EPA Region 10 Guidance for State and Tribal Temperature Water Quality Standards (Public Review Draft, October 2001)</p>
51	10/31/03	<p>Letter to Valerie Badon, EPA, from Dr. George Ice, National Council for Air and Stream Improvement, Inc (NCASI). re: Comments Directed at Proposed Water Quality Standards for Oregon</p> <p>Att. 1: Abstract: Use of Natural Temperature Patterns to Identify Achievable Stream Temperature Criteria for Forest Streams</p> <p>Att. 2: Letter to Emily Smith, ODEQ, from Dr. George Ice, NCASI (10/3/03)</p>
52	10/24/03	Transcript: EPA Public Hearing, Proposed Federal Water Quality Standards for Oregon
53	10/23/03	Transcript: EPA Public Hearing, Proposed Federal Water Quality Standards for Oregon
54	10/22/03	Transcript: EPA Public Hearing, Proposed Federal Water Quality Standards for Oregon
<b>I.E. ESA and EFH Consultation on EPA's Approval of Oregon's Revised Standards</b>		
55	3/04	Data Quality Assurance Report: Biological Evaluation of the Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation, prepared for EPA by Tetra Tech, Inc.



DOC. NO.	DATE	DOCUMENT
56	2/25/04	Letter to Randall F. Smith, EPA, from Kemper M. McMaster, USFWS, re: Transmittal of Fish and Wildlife Service Biological Opinion on the Effects of the Proposed Approval by the U.S. EPA of Revised Oregon Water Quality Standards  Att. 1: Fish and Wildlife Service Biological Opinion for EPA's Proposed Approval of Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation, February 24, 2004
57	2/24/04	Letter to Michael Tehan, NMFS, from Randall F. Smith, R10, re: Response to Essential Fish Habitat (EFH) Conservation Recommendations Provided by the NMFS as part of the Biological Opinion on EPA's Approval of Revised Water Quality Standards for Oregon
58	2/23/04	Letter to Randall F. Smith, from D. Robert Lohn, re: Biological Opinion on EPA's Proposed Approval of Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation Implementation Methods  Att. 1: Endangered Species Act - Section 7 Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation
59	2/20/04	Email from Elizabeth Materna, USFWS, to Kellie Kubena, EPA Att. 1: Mt. Hood Revised Draft Recovery Plan
60	2/18/04	Email from Elizabeth Materna, USFWS, to Kellie Kubena, EPA, re: Bull Trout in the McKenzie  Att. 1: Bull Trout Population Monitoring in the McKenzie and Middle Fork Willamette Rivers, Annual Progress Report, 2002, prepared by Jason Seals, Kelly Reis, U.S. Dept. of Energy, Portland, Oregon
61	2/18/04	Email from Elizabeth Materna, USFWS, to Kellie Kubena, EPA, re: Upper McKenzie Redd Survey  Att. 1: Upper McKenzie Redd Count Bull Trout and Chinook 7 October 2003
62	2/18/04	Email from Elizabeth Materna, USFWS, to Kellie Kubena, EPA, re: McKenzie Bull Trout Redd Counts 2003  Att. 1: Counts for Bull Trout Redds in the McKenzie 89-03
63	2/10/04	Letter to Randall F. Smith, Director, Water Division, EPA, from D. Robert Lohn, Regional Administrator, NMFS, re: Draft Biological Opinion on EPA's Proposed Approval of Revised Oregon Water Quality Standard for Temperature, Intergravel Dissolved Oxygen, and Antidegradation Implementation Methods



DOC. NO.	DATE	DOCUMENT
64	2/4/04	Letter to Michael Tehan, NMFS, and Kemper McMaster, USFWS, from Randall Smith, EPA, re: Transmittal of Biological Evaluation of the Revised Oregon Water Quality Standards  Att. 1: Biological Evaluation of the Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation, Amended Final, prepared for USFWS and NMFS by EPA, Region 10
65	1/30/04	Letter to Michael Tehan, NMFS, from Randall Smith, EPA, re: Transmittal of Essential Fish Habitat Assessment of EPA's Approval of Oregon Water Quality Standards  Att. 1: Essential Fish Habitat Assessment of U.S. EPA's Approval of Oregon Water Quality Standards, Prepared for NMFS by EPA Region 10
66	1/20/04	Email from Debra Sturdevant, ODEQ, re: comment on BA - disease, to Dru Keenan, John Palmer, EPA
67	1/13/04	Email between Dru Keenan and Elizabeth Materna, re: Modoc Sucker
68	1/9/04	Letter to Michael Tehan, NMFS, and Kemper McMaster, USFWS, from Randall Smith, re: Transmittal of 12/16/03 Biological Evaluation of the Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation  Att. 1: Biological Evaluation of the Revised Oregon Water Quality Standards for Temperature, Intergravel Dissolved Oxygen, and Antidegradation prepared for USFWS and NMFS by EPA, Region 10 December 16, 2003
69	8/29/03	Letter to Mr. Steve G. Ellis, Tetra-Tech, Inc., EPA Contractor, from Michael P. Tehan, NMFS, re: Species List for Consultation on Water Quality Standards for State of Oregon
70	7/23/03	Letter to Mary Lou Soscia, EPA, from Kemper M. McMaster, USFWS, re: Federal Water Quality Standards Project
71	4/31/99	Final Report: Stream Temperature Criteria for Oregon's Lahontan Cutthroat Trout, <i>Oncorhynchus clarki henshawi</i> , by Jason Dunham, University of Nevada
72	1/95	USFWS, Region 1, Recovery Plan for the Lahontan Cutthroat Trout
73	6/11/85	Federal Register/Vol 50, No. 112/Tuesday, June 11, 1985/ Rules and Regulations, Department of the Interior, Fish and Wildlife Service, 50 CFR Part 17, Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Critical Habitat for the Modoc Sucker, page 24526
74	Undated	US Dept Commerce, NOAA, NWFSC, Tech memo-27: Status Review of West Coast Steelhead
<b>II. EPA PROPOSED RULE AND PREAMBLE</b>		
75	10/10/03	Environmental Protection Agency Proposed Rule and Preamble: Water Quality Standards for Oregon, 40 CFR Part 131

DOC. NO.	DATE	DOCUMENT
76	10/2003	<p>Salmonid Designation Use Maps:</p> <p>Att. 1: Salmonid Use Designations, Deschutes Basin, Oregon</p> <p>Att. 2: Salmon, Steelhead &amp; Bull Trout Spawning through Fry Emergence Use Designations, Deschutes Basin, Oregon</p> <p>Att. 3: Salmonid Use Designations, Grande Ronde Basin, Oregon</p> <p>Att. 4: Salmon, Steelhead &amp; Bull Trout Spawning through Fry Emergence Use Designations, Grande Ronde Basin, Oregon</p> <p>Att. 5: Salmonid Use Designations, Hood Basin, Oregon</p> <p>Att. 6: Salmon, Steelhead &amp; Bull Trout Spawning through Fry Emergence Use Designations, Hood Basin, Oregon</p> <p>Att. 7: Salmonid Use Designations, John Day Basin, Oregon</p> <p>Att. 8: Salmon, Steelhead &amp; Bull Trout Spawning through Fry Emergence Use Designations, John Day Basin, Oregon</p> <p>Att. 9: Salmonid Use Designations, Klamath Basin, Oregon</p> <p>Att. 10: Salmonid Use Designations, Mid-Coast Basin, Oregon</p> <p>Att. 11: Salmon &amp; Steelhead Spawning through Fry Emergence Use Designations, Mid-Coast Basin, Oregon</p> <p>Att. 12: Salmonid Use Designations, North Coast Basin, Oregon</p> <p>Att. 13: Salmon &amp; Steelhead Spawning through Fry Emergence Use Designations, North Coast Basin, Oregon</p> <p>Att. 14: Salmonid Use Designations, Powder and Malheur Basins, Oregon</p> <p>Att. 15: Salmonid Use Designations, Rogue Basin, Oregon</p>

DOC. NO.	DATE	DOCUMENT
cont'd.	10/2003	<p>Att. 16: Salmon &amp; Steelhead Spawning through Fry Emergence Use Designations, Rogue Basin, Oregon</p> <p>Att. 17: Salmonid Use Designations, Sandy Basin, Oregon</p> <p>Att. 18: Salmon &amp; Steelhead Spawning through Fry Emergence Use Designations, Sandy Basin, Oregon</p> <p>Att. 19: Salmonid Use Designations, South Coast Basin, Oregon</p> <p>Att. 20: Salmon &amp; Steelhead Spawning Through Fry Emergence Use Designations, South Coast Basin, Oregon</p> <p>Att. 21: Salmonid Use Designations, Umatilla/Walla Walla Basin, Oregon</p> <p>Att. 22: Salmon, Steelhead &amp; Bull Trout Spawning Through Fry Emergence Use Designations, Umatilla/Walla Walla Basin, Oregon</p> <p>Att. 23: Salmonid Use Designations, Umpqua Basin, Oregon</p> <p>Att. 24: Salmon &amp; Steelhead Spawning Through Fry Emergence Use Designations, Umpqua Basin, Oregon</p> <p>Att. 25: Salmonid Use Designations, Willamette Basin, Oregon</p> <p>Att. 26: Salmon, Steelhead &amp; Bull Trout Spawning Through Fry Emergence Use Designations, Willamette Basin, Oregon</p>
77	10/2003	EPA Fact Sheet: Oregon Water Quality Standards
<b>III. GENERAL BACKGROUND DOCUMENTS</b>		
78	9/29/03	Letter to Michael Llewelyn, ODEQ, September 29, 2003, re: Disapproval Decision
79	9/5/03	Letter to Randall Smith, EPA, from Michael Llewelyn, ODEQ, re: Spawning in Columbia River
80	8/13/03	<i>Northwest Environmental Advocates v. EPA &amp; NMFS</i> , Final Judgment, August 13, 2003
81	7/14/03	<i>Northwest Environmental Advocates v. EPA &amp; NMFS</i> , Opinion and Order, July 14, 2003. re: Motion for Further Injunctive Relief
82	6/11/03	<i>Northwest Environmental Advocates v. EPA &amp; NMFS</i> , Opinion and Order, June 11, 2003. re: Motion for Clarification
83	3/31/03	<i>Northwest Environmental Advocates v. EPA &amp; NMFS</i> , 268 F.Supp.2d 1255 (D. Or., Mar. 31, 2003). Re: Summary Judgment
84	11/00	U.S. EPA, Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras, Office of Water, Office of Science and Technology and Office of Research and Development, National Health and Environmental Effects Research Laboratory EPA-822 R- 00-012
85	7/22/99	Letter to Michael Llewelyn, ODEQ, from Randall Smith, EPA, July 22, 1999, re: EPA Approval of Oregon Water Quality Standards Adopted on January 11, 1996

DOC. NO.	DATE	DOCUMENT
86	7/21/99	Memorandum to Randy Smith, EPA, from Dru Keenan, EPA, re: Recommended Action
87	7/7/98	Federal Register/Tuesday, July 17, 1998, Water Quality Standards Regulation; Proposed Rule, 40 CFR Part 131
88	2/19/98	Letter to Gary R. Mitchell, Kansas Department of Health and Environment, from U. Gale Hutton, EPA, February 19, 1998, re: Kansas Water Quality Standards  Att.1: Enclosure A, National Toxics Rule Criteria
89	11/5/97	Memorandum to Water Management Division Directors, Regions 1-10, and State and Tribal Water Quality Management Program Directors, from Tudor T. Davies, Office of Science and Technology, re: Establishing Site Specific Aquatic Life Criteria Equal to Natural Background
90	6/95	ODEQ 1992-1994 Water Quality Standards Review, Dissolved Oxygen Final Issue Paper
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92	11/8/93	U.S. EPA, 1983, 48 Federal Register, pgs. 51400, 51411
93	3/91	U.S. Environmental Protection Agency, Technical Support Document for Water Quality-based Toxics Control, EPA 505/2-90-001
94	1986	U.S. EPA Quality Criteria for Water, EPA 440/5-86-001, 1986, Temperature Section
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<b>IV. FEDERAL and STATE USE DESIGNATIONS AND TEMPERATURE CRITERIA</b>		
<b>Time and Place Designations-Technical References</b>		
96	10/03	A Salmon Anchor Habitat Strategy for the Tillamook and Clatsop State Forests, October 2000
97	9/25/03	Email from Elizabeth Materna, USFWS, to EPA, September 25, 2003. re: Bull Trout Spawning Criteria
98 disc	9/16/03	Oregon Department of Fish and Wildlife Database for Fish Distribution, compact disc
99	7/03	ODEQ Bull Trout Habitat Designation Report: Technical Work Group Recommendations, Final (July 2003)
100	11/29/02	Dept. of the Interior, Proposed Designation of Critical Habitat for the Klamath River and Columbia River Distinct Population Segments of Bull Trout and Notice of Availability of the Draft Recovery Plan <u>Spawning and Juvenile Rearing</u> , 67 Fed. Reg. 71236, November 29, 2002
101	2/26/02	Oregon Department of Fish and Wildlife, 1:24K Fish Habitat Distribution Development Project Procedures Manual

DOC. NO.	DATE	DOCUMENT
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<b>Temperature Guidance and References</b>		
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107	12/02	Washington Department of Ecology (WDOE). December 2002. Evaluating Standards for Protecting Aquatic Life in Washington's Surface Water Quality Standards, Temperature Criteria, Draft Discussion Paper and Literature Summary
108	9/19/02	Myrick, Christopher A., et al. Sept. 19, 2002. Bull Trout Temperature Thresholds Peer Review Summary
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<b>V. Intergravel Dissolved Oxygen</b>		
<b>. Technical References</b>		
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<b>VI. Antidegradation Implementation Plan</b>		
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174	3/01	State of Oregon: Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications, March 2001
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<b>VII. Alternative Regulatory Approaches and Implementation Mechanisms</b>		
<b>Heat Load and Thermal Plume Provisions</b>		
181	4/03	Mebane, Christopher and Essig, Don. Idaho Department of Environmental Quality, Concepts and Recommendations for Using the "Natural Condition" Provisions of the Idaho Water Quality Standards, Measurable Changes Section, pp. 14-18, April 2003
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<b>VIII. Tribal Consultation</b>		
<b>Guidance and Correspondence</b>		
186	8/28/03	Letter to Dean Adams, Chair, Burns Paiute Tribe General Council, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003

DOC. NO.	DATE	DOCUMENT
187	8/28/03	Letter to Fred Auch, Chair, Shoshone-Bannock Tribes of Fort Hall, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
188	8/28/03	Letter to Ronald Brainard, Chair, Confederated Tribes of Coos, Lower Umpqua and Suislaw, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
189	8/28/03	Letter to Gary Burke, Chair, Confederated Tribes of the Umatilla Indian Reservation, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
190	8/28/03	Letter to Allan Foreman, Chair, The Klamath Tribe, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
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192	8/28/03	Letter to Cheryle Kennedy, Chair, Confederated Tribes of the Grand Ronde, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
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195	8/28/03	Letter to Delores Pigsley, Chair, Siletz Tribal Council, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
196	8/28/03	Letter to Sue Shaffer, Chair, Cow Creek Band of Umpqua Indians, from L. John Iani, Region 10 RA, re: Coordination and Consultation on Water Quality in Oregon
197	8/28/03	Letter to Ross Sockzehigh, Chair, Yakima Indian Nation, from L. John Iani, Region 10, RA, re: Coordination and Consultation on Oregon Federal Water Quality Standards, August 28, 2003
198	7/16/01	U.S. EPA, Region 10, Tribal Consultation Framework, July 16, 2001
<b>IX. Temperature Guidance and References – Additional Documents</b>		
199	4/2003	EPA Region 10 Temperature Guidance, Overview, April 2003, Slide Presentation (pagination added)
200	2/2004	Poole, Geoffrey C., Dunham, Jason B., Keenan, Druscilla M., et al. February 2004. The Case for Regime-based Water Quality Standards

DOC. NO.	DATE	DOCUMENT
<b>X. State Use Designations and Temperature Criteria – Additional Documents</b>		
201	5/27/03	Life Stage Timing Criteria, Definitions, and Questions. Oregon Department of Fish and Wildlife
202	5/27/03	Fish Habitat Distribution Development Project, Primary Data Products - Description and Major Attributes. Natural Resources Information Management Program, Oregon Department of Fish and Wildlife
203	9/10/03	Email from Elizabeth Materna to Dru Keenan re: Spawning Times in the Pine River Basin
204	12/15/03	Email from Debra Sturdevant, ODEQ, to Dru Keenan, EPA, and Elizabeth Materna, Fish and Wildlife Service, re: Lahontan Cutthroat

**Abbreviations:**

Bureau of Rec.: Bureau of Reclamation

EFH: Essential Fish Habitat

EPA: Environmental Protection Agency

ESA: Endangered Species Act

IFA: Institute for Fisheries Resources

NMFS: National Marine Fisheries Service

NOAA: National Oceanic Atmospheric Administration

NPDES: National Pollutant Discharge Elimination System

NWPPC: Northwest Power Planning Council

ODEQ (or DEQ): Oregon Department of Environmental Quality

PCFFA: Pacific Coast Federation of Fishermen's Association

RA: Regional Administrator

R10: Region 10

TMDL: Total Maximum Daily Load

USACOE: U.S. Army Corps of Engineers

USFWS: U.S. Fish and Wildlife Service

WDOE: Washington Department of Ecology